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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

James G. Turner - et,

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08cv3846

JUDGE MORAN

MAG. JUDGE ASHMAN

vs.

Case

(To be supplied by the Clerk of this Court)

Donald A. Hudlicky

Major Mann; Sergeant

Cowan; Lt. Mitchell;

Roger Walker Jr, and

Unknown Assignment

Placement personnel, */

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)

☐ **OTHER (cite statute, if known)**

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

*/ and Unknown Correctional Guards

I. Plaintiff(s):

- A. Name: James G. Turner - 41
- B. List all aliases: None
- C. Prisoner identification number: N- 01161
- D. Place of present confinement: Menard Corr. Ctr
- E. Address: P.O. Box 711 / Chester, IL. 62259

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Donald A. Heulick
 Title: Warden
 Place of Employment: Menard Corr. Ctr of IDOC
- B. Defendant: Mr. Mami
 Title: Major of the Guard / North II
 Place of Employment: Menard Corr. Ctr. of the IDOC
- C. Defendant: Mr. Cowan
 Title: Sergeant of the Guard / North II
 Place of Employment: Menard Corr. Ctr. of the IDOC

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Defendant: Mr. Mitchell
Title: Lieutenant of the guard at North II
Employer: Menard Corr. Ctr., of the IDOC

Defendant: Roger Walker Jr.,
Title: Director of IDOC
Employer: IDOC

Defendant: Unknown Assignment Placement Personnel
Title: Unknown
Employer: Menard Corr. Ctr. of the IDOC

Defendant: Unknown Correctional Guards
Title: Correctional Guards
Employer: Menard Corr. Ctr. of the IDOC

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: (See attached Pages)
- B. Approximate date of filing lawsuit: (See Pages)
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: (See Pages)
- D. List all defendants: (See Pages)
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): (See Pages)
- F. Name of judge to whom case was assigned: (See Pages)
- G. Basic claim made: (See Pages)
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): (See Pages)
- I. Approximate date of disposition: (See Pages)

Note: Law Librarian refused to U.S. Party/Case Index as following pages, so I've attached by itself.

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

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1 TURNER-EL, JAMES G	ilcdc	2:1989cv02210	07/14/1989	550	10/29/1990
TURNER-EL vs. DILLMAN					
2 TURNER-EL, JAMES G	ilcdc	2:1989cv02211	07/14/1989	550	11/20/1990
TURNER-EL vs. GOSKIE					
3 TURNER-EL, JAMES G	ilcdc	2:1989cv02212	07/14/1989	550	10/29/1990
TURNER-EL vs. PETERS					
4 TURNER-EL, JAMES G	ilcdc	2:1989cv02213	07/14/1989	550	11/24/1989
TURNER-EL vs. LANE					
5 TURNER-EL, JAMES G	ilcdc	2:1989cv02214	07/14/1989	550	11/15/1990
TURNER-EL vs. LANE					
6 TURNER-EL, JAMES G	ilcdc	2:1989cv02215	07/14/1989	550	11/24/1989
TURNER-EL vs. LANE					
7 TURNER-EL, JAMES G	ilcdc	2:1989cv02216	07/14/1989	550	11/24/1989
TURNER-EL vs. SHANSKY					
8 TURNER-EL, JAMES G	ilcdc	2:1989cv02217	07/14/1989	550	10/29/1990
TURNER-EL vs. PETERS					
9 TURNER-EL, JAMES G	ilcdc	2:1989cv02218	07/14/1989	550	10/29/1990
TURNER-EL vs. PETERS					
10 TURNER-EL, JAMES G	ilcdc	2:1989cv02219	07/14/1989	550	10/29/1990
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11 TURNER-EL, JAMES G	ilcdc	2:1989cv02220	07/14/1989	550	10/29/1990
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12 TURNER-EL, JAMES G	ilcdc	2:1989cv02221	07/14/1989	550	10/29/1990
TURNER-EL vs. PETERS, ET AL					
13 TURNER-EL, JAMES G	ilcdc	2:1989cv02222	07/14/1989	550	10/29/1990
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14 TURNER-EL, JAMES G	ilcdc	2:1989cv02223	07/14/1989	550	10/29/1990
TURNER-EL vs. LOWERY					
15 TURNER-EL, JAMES G	ilcdc	2:1989cv02224	07/14/1989	550	11/24/1989
TURNER-EL vs. LANE					

Note

Law Librarian
wouldn't copy to
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prior cases.

16 TURNER-EL, JAMES G [ilcdc](#) [2:1989cv02225](#) 07/14/1989 550 11/24/1989
TURNER-EL vs. PETERS

17 TURNER-EL, JAMES G [ilcdc](#) [2:1989cv02305](#) 10/16/1989 550 07/03/1990
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18 TURNER-EL, JAMES G [ilcdc](#) [2:1990cv02254](#) 08/03/1990 550 05/13/1992
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19 TURNER-EL, JAMES G [ilcdc](#) [2:1990cv02275](#) 08/13/1990 550 01/18/1991
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20 TURNER-EL, JAMES G [ilcdc](#) [2:1990cv02277](#) 08/20/1990 550 01/31/1991
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21 TURNER-EL, JAMES G [ilcdc](#) [2:1990cv02293](#) 08/31/1990 550 12/29/1992
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22 TURNER-EL, JAMES G [ilcdc](#) [2:1990cv02294](#) 08/31/1990 550 03/05/1993
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23 TURNER-EL, JAMES G [ilcdc](#) [1:1993cv01054](#) 02/10/1993 550 03/30/1993
TURNER-EL vs. LOWERY

24 TURNER-EL, JAMES G [ilcdc](#) [1:1993cv01058](#) 02/10/1993 550 03/30/1993
TURNER-EL vs. PETERS

25 TURNER-EL, JAMES G [ilcdc](#) [1:1993cv01059](#) 02/10/1993 550 04/22/1993
TURNER-EL vs. PETERS

26 TURNER-EL, JAMES G [ilcdc](#) [1:1993cv01069](#) 02/18/1993 550 04/22/1993
TURNER-EL vs. BAKER

27 TURNER-EL, JAMES G [ilcdc](#) [1:1993cv01085](#) 03/03/1993 550 03/30/1993
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1 TURNER-EL, JAMES G ilndc	1:1986cv08929	06/29/1998	999	06/23/1999	
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2 TURNER-EL, JAMES G ilndc	1:1989cv05004			550	
TURNER vs. STRUBBE, ET AL					
3 TURNER-EL, JAMES G ilndc	1:1993cv04918	09/12/1994	550	06/03/1997	
TURNER-EL vs. IL BD OF ED					
4 TURNER-EL, JAMES G ilndc	1:1993cv04919	01/28/1994	550	01/28/1994	
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5 TURNER-EL, JAMES G ilndc	1:1993cv04967	01/28/1994	550	01/28/1994	
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6 TURNER-EL, JAMES G ilndc	1:1993cv04968	01/28/1994	550	01/28/1994	
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7 TURNER-EL, JAMES G ilndc	1:1993cv04969	01/28/1994	550	01/28/1994	
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8 TURNER-EL, JAMES G ilndc	1:1993cv04970	01/28/1994	530	01/31/1994	
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9 TURNER-EL, JAMES G ilndc	1:1993cv05160	01/28/1994	550	01/28/1994	
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10 TURNER-EL, JAMES G ilndc	1:1993cv05161	01/28/1994	550	01/28/1994	
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11 TURNER-EL, JAMES G ilndc	1:1993cv05162	01/28/1994	550	01/28/1994	
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12 TURNER-EL, JAMES G ilndc	1:1996cv06323	06/18/1997	550	03/02/1998	
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13 TURNER-EL, JAMES G ilndc	1:1996cv06368	02/26/1997	550	02/26/1997	
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14 TURNER-EL, JAMES G ilndc	1:1997cv00022	09/04/1997	555	09/04/1997	
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15 TURNER-EL, JAMES G ilndc	1:1997cv01818	03/17/1997	555	01/26/1998	
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16 TURNER-EL, JAMES G ilndc	1:1997cv02272	04/16/1997	555	04/16/1997	

16 TURNER-EL, JAMES G ilndc 1:1997cv02573 04/10/1997 555 04/10/1997
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 17 TURNER-EL, JAMES G ilndc 1:1997cv05822 08/15/1997 555 02/25/1998
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 18 TURNER-EL, JAMES G ilndc 1:2001cv07163 12/19/2001 550 09/26/2001
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 19 TURNER-EL, JAMES G ilndc 1:2001cv08623 11/08/2001 550 11/30/2001
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2 TURNER EL, JAMES G	ilsdc	3:1990cv03388	07/03/1990	530	09/26/1991
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3 TURNER EL, JAMES G	ilsdc	3:1992cv00580	08/07/1992	540	08/07/1992
TURNER EL vs. O'HARE					
4 TURNER EL, JAMES G	ilsdc	3:1993cv00291	04/28/1993	550	04/04/1994
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5 TURNER EL, JAMES G	ilsdc	3:1993cv00292	04/28/1993	550	04/04/1994
TURNER EL vs. BAKER					
6 TURNER EL, JAMES G	ilsdc	3:1997cv00286	04/02/1997	555	02/11/2000
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7 TURNER EL, JAMES G	ilsdc	3:1997cv00287	04/02/1997	555	07/22/1999
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8 TURNER EL, JAMES G	ilsdc	3:1997cv00424	05/12/1997	555	06/07/1999
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9 TURNER EL, JAMES G	ilsdc	3:1997cv00688	08/11/1997	555	10/07/1997
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10 TURNER EL, JAMES G	ilsdc	3:1997cv00690	08/11/1997	555	10/03/1997
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11 TURNER EL, JAMES G	ilsdc	3:1997cv00985	12/04/1997	555	12/23/1997
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12 TURNER EL, JAMES G	ilsdc	3:1997cv00986	12/04/1997	555	12/16/1997
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13 TURNER EL, JAMES G	ilsdc	3:1997cv00987	12/04/1997	555	12/16/1997
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14 TURNER EL, JAMES G	ilsdc	3:1997cv00993	12/08/1997	555	04/20/1999
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15 TURNER EL, JAMES G	ilsdc	3:1997cv00996	12/04/1997	555	08/08/2000
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16 TURNER EL, JAMES G ilsdc 3:1998cv00030 01/16/1998 555 01/30/1998
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17 TURNER EL, JAMES G ilsdc 3:1998cv00378 05/11/1998 555 05/20/1998
TURNER EL vs. HARTMAN

18 TURNER EL, JAMES G ilsdc 3:1998cv00386 05/11/1998 555 05/20/1998
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19 TURNER EL, JAMES G ilsdc 3:1998cv00775 10/26/1998 555 01/29/1999
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20 TURNER EL, JAMES G ilsdc 3:1998cv00873 12/07/1998 555 02/18/1999
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21 TURNER EL, JAMES G ilsdc 3:1998cv00874 12/07/1998 555 01/20/1999
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22 TURNER EL, JAMES G ilsdc 3:1998cv00875 12/07/1998 555 01/18/2000
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23 TURNER EL, JAMES G ilsdc 3:1999cv00013 01/07/1999 555 08/14/2000
TURNER EL vs. PAGE

24 TURNER EL, JAMES G ilsdc 3:1999cv00283 04/26/1999 555 04/29/1999
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25 TURNER EL, JAMES G ilsdc 3:1999cv00284 04/26/1999 555 01/19/2000
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26 TURNER EL, JAMES G ilsdc 3:2001cv00247 04/10/2001 555
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33 TURNER EL, JAMES G ilsdc 3:2001cv00300 05/10/2001 555
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34 TURNER EL, JAMES G ilsdc 3:2001cv00301 05/10/2001 530 06/26/2001
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35 TURNER EL, JAMES G ilsdc 3:2001cv00472 07/16/2001 555 07/26/2001
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36 TURNER EL, JAMES G ilsdc 3:2001cv00489 07/18/2001 540 07/27/2001
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Seventh Circuit Court of Appeals

Docket Sheets by Person

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00-1454 Turner-El, James G. v. Internal Affairs

00-4006 Turner-El, James G. v. Washington, Odie

00-8024 Turner-El, James G. v. Washington, Odie

01-3886 Turner-El, James v. Agnello, Gino

02-1127 Turner-El, James S. v. Moran, James B.

02-1131 Turner-El, James G. v. USA

90-1451 Turner-EL, James G. v. Lane, Michael P.

90-1452 Turner-El, James G. v. Lane, Michael P.

90-1453 Turner-EL, James G. v. Shansky, Ronald

90-1454 Turner-EL, James G. v. Lane, Michael P.

90-1455 Turner-EL, James G. v. Peters, Howard A.

90-1991 Turner-El, James G. v. Lane, Michael P.

90-1992 Turner-El, James G. v. Lane, Michael P.

90-1993 Turner-El, James G. v. Lane, Michael P.

90-2175 Turner-El, James G. v. Atkinson, Jeff

90-2260 Turner-El, James G. v. Geraghty, Thomas F.

90-2610 Turner-El v. Geraghty, Thomas F.

90-2613 Turner-EL, James G. v. Peters, Howard A.

90-2934 Turner-El, James G. v. Strubbe, Thomas F.

92-2406 Turner-El, James G. v. Peters, Howard

93-2087 Turner-El, James G. v. O'Hare, Stuart J.

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93-2133 Turner-El, James G. v. Lane, Michael P.
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98-1744 Turner-El, James G. v. West, Mary
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99-1490 Turner-El, James G. v. Washington, Odie
99-1845 Turner-El, James G. v. Rennison, Colleen
99-2088 Turner-El, James G. v. Branche, Alfred
99-2107 Turner-El, James G. v. Page, Thomas F.

Charles R. Schmadeke cschmadeke@hinshawlaw.com

Linda M. Wolters lwolters@atg.state.il.us, jedwards@atg.state.il.us, jginter@atg.state.il.us

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James G Turner El
#N-01161
MENARD CORR
Menard Corr Center
PO Box 711
Menard, IL 62259

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1) Plaintiff a (58) year old gay-male with extreme pain to his lower right abdomen, lower back and both arms and hands, 5'7 inches tall, weighing approximately 125 lbs. has repeatedly been subjected to assault and threat of assault, due to his being gay, and destitute due to fact that defendants take all monies received to his prison account to and including his monthly \$10.00 Idle Pay, which was appropriated for his hygienic care. Same has resulted in complete deterioration of his hygiene, which is non-existent and he suffers from boils under his arm pits, irritating skin rash, dandruff, ear wax problems, Athletes foot and massive hair and tooth loss, and he also has Hepatitis C, Anemia and High Blood Pressure, No inmate wants to cell with him due to his disease, his being gay and his poverty and celimates routinely assault him, threaten, take his property, etc., forcing him to move to another cell. And defendants are deliberately indifferent to plaintiff's

plight and risk of harm and imminent dangers of serious physical injury.

2) Following plaintiff's assault by cellmate January 16, 2008 plaintiff was moved to Unit North I on 1 Gallery amongst several of his enemies and in the cell with a young gang member.

3) Following assault by enemies and cellmate February 26, 2008, plaintiff was given a (7) day lay-in because he was unable to walk on 2/27/08. However, on 2/28/08 he was ordered to move to the Highest Gallery in the Unit because he couldn't walk he couldn't move and he was confined to Disciplinary/Segregation Unit for refusing to move, and confined to a Steel Front Control Box Cell

4) On about March 17, 2008, plaintiff attempted suicide by taking (40) pills, plaintiff was stressed-out from assault and threat of assault and confinement to closed box cell.

5) On or about March 28, 2008 he was confined to a two-man-closed-box-cell with a crazed young gang member who assaulted him, took Food trays, property and destroyed some of his legal documents. Plaintiff repeatedly sought to be moved but defendants refused to move him subjecting him to imminent dangers.

- 6) Defendants are trying to get plaintiff killed or seriously injured, as under defendants own rules gay-males arent to be confined to cells with any other prisoners while in segregation. Yet, defendants continually confine plaintiff a gay-male to cells with gang members, who are younger, bigger and stronger than he is, subjecting him to physical abuse and emotional trauma a reign of terror, in life-threatening situations of immediate and imminent dangers of serious physical injury.
- 7) Following plaintiff's crazed gang-member being released from segregation 6/11/08, defendants immediately moved another inmate gang member into cell with plaintiff who immediately assaulted plaintiff and he continued to push plaintiff around the cell, taking plaintiff's food trays, cosmetics, books, etc., defendants refuse to move plaintiff and his present cellmate is scheduled to be released from segregation on the date of June 23, 2008.
- 8) Because, plaintiff has no idea whom defendants might cell him with, but, since his life is in imminent danger. he brings this complaint in Emergency.
- 9) Plaintiff sent grievance complaint and grievance appeals to defendants, Hulick and Walker Jr., by Unknown defendant correctional guards, however, plaintiff has not received any of his grievances nor money vouchers for legal postage costs.
- 10) Plaintiff is left with but (3) choices; once defendants confine another gang member in cell with him, plaintiff could allow himself to be continually assaulted, or, he could try and kill his cellmate, or he could go on suicide watch, where he will be confined to a closed box cell, strip-butt-naked with no toiletries and without his property forced to eat some meal twice aday everyday.
- 11) Defendants Major Mui, Lt. Mitchell and Sgt. Cowan are in control and management of Segregation Unit and they with help of defendant Unknown Assignment Placement personnel continue to confine gang members to cell with plaintiff in general population and in segregation to subject him to assault and injury.
- 12) All named defendants were acting under color of Illinois State law and each is sued in their individual and official capacities.
- 13) Plaintiff seek leave to amend this complaint to include additional defendants and Claims for relief.
- 14) Confining plaintiff to Steel Front Closed Box Control Cell in the back of 6 gallery has permitted him to be assaulted and his pleas for help unanswered, plus, cell is a torture chamber, causing plaintiff to suffer breathing attacks, and during summer is a hot box torture chamber.

LEGAL CLAIM COUNT I.

15. Defendants Kulich, Masni, Mitchell, Cowan, Wulbar Jr, and Unknown defendant Assignment Placement personnel acts and omissions done intentionally, knowingly, willfully, maliciously and arbitrarily in conspiracy, corroboration and collusion by express or implied consent with deliberate indifference and total reckless disregard of plaintiff's rights to be free from assault, life threatening situations and imminent dangers of serious physical injury continually has subjected plaintiff to imminent dangers by violating their own rules and confining the plaintiff in cells with gang members who hate gay-males and who assaults, threatens and takes his property from him, because he's assigned to cells with them, while all other gay males are assigned to single-man cells, same deprives plaintiff of due process, equal protection of the law and to be free from imminent dangers and cruel and unusual punishment in violation of the 5th, 8th and 14th Amendments to the U.S. Constitution.

LEGAL CLAIM COUNT II.

16. Defendant Unknown Correctional Guards acts and omissions of tampering with plaintiff's legal mail by not forwarding his legal mail deprives plaintiff of access to public officials, due process, equal protection of the law and subjects him to imminent dangers and cruel and unusual punishment in violation of the 1st, 5th, 8th and 14th Amendments to the U.S. Constitution.

LEGAL CLAIM COUNT III.

17. All named defendants and unknown named defendants acts and omissions deprive plaintiff of his rights under the Bill of Rights Art. 1, § 2 of the Illinois State Constitution.

LEGAL CLAIM COUNT IV.

18. All named defendants acts and omissions deprive plaintiff of rights retained by virtue of Illinois State Law.

LEGAL CLAIM COUNT V.

19. All named defendants acts and omissions violate defendants own rules and regulations.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A) Declaratory judgement; B) Injunctive Relief; C) Compensatory damages of \$150,000.00 (One hundred Fifty Thousand Dollars) assessed against each named defendant to be awarded plaintiff; D) Punitive damages of \$300,000.00 (Three Hundred Thousand Dollars) assessed against each named defendant to be awarded plaintiff; E) Defendants pay all costs of this action; F) Reasonable Attorney fees; G) Criminal charges lodged against defendants for continually subjecting plaintiff to assault; H) Assignment to single-man-cell; I) Transfer to another prison; J) Any additional relief this Honorable Court deems equitable, proper and just

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 18th day of June, 2008

James G. Turner - 42
(Signature of plaintiff or plaintiffs)

James G. Turner-42
(Print name)

N-01161
(I.D. Number)

Menard Correctional Center

P.O. Box 711

Menard, IL 62269
(Address)